

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case Date Filed 10-CA-142719 12-11-14	
INSTRUCTIONS. File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100	
c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> McDonald's: Gloria Santana	e. Telephone No. (843) 744-0626	
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C)) threatened employees, including (b) (6), (b) (7)(C) that they would be suspended if they went on strike on (b) (6), (b) (7)(C) 2014.			
3. Full name of party filing charge <i>(if labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee			
4a. Address <i>(street and number, city, state, and ZIP code)</i> 314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
<div style="text-align: center;">  (Signature of representative or person making charge) </div>		<div style="text-align: right;"> Paul Smith, Attorney (Title if any) </div>	
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Chapel Hill, NC 27517</u>		919.942.5200 (Telephone No.)	
(Date) <u>10/30/2014</u>			
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)			

NATIONAL LABOR
RELATIONS BOARD
REGION 10

2014 DEC 11 PM 4:04

ATLANTA, GA



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858



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December 12, 2014

Gloria Santona, General Counsel
McDonald's Corp
2111 McDonald's Drive
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single
Employers
8584 Rivers Ave
Suite 103
North Charleston, SC 29406

Re: James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp., as Joint
and Single Employers
Case 10-CA-142719

Dear Ms. Santona, (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JEFFREY D. WILLIAMS whose telephone number is (404)331-2899. If this Board agent is not available, you may contact Supervisory Field Attorney LISA HENDERSON whose telephone number is (404)331-2889.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, slightly slanted style.

CLAUDE T. HARRELL JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Doreen S. Davis, ESQ.
Jones Day
222 E 41st Street
New York, NY 10017-6702

Andrew G. Madsen, ESQ.
Jones Day
77 W Wacker Drive, Suite 3500
Chicago, IL 60601-1701

JONATHAN M LINAS, Attorney
JONES DAY
77 W WACKER DR., Ste. 3500
CHICAGO, IL 60601-1692

STEPHEN C. MITCHELL, ESQ.
Fisher & Phillips, LLP
1320 Main St Ste 750
Columbia, SC 29201-3284

Matthew Korn, Esquire
Fisher & Phillips LLP
Post Office Box 11612
Columbia, SC 29211

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers

CASE NUMBER

10-CA-142719

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JAMES BOOTH-JKS & K, INC. D/B/A
MCDONALD'S & MCDONALD'S CORP., AS
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 10-CA-142719

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 12, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Gloria Santona, General Counsel
McDonald's Corp
2111 McDonald's Drive
Oak Brook, IL 60523

Doreen S. Davis, ESQ.
Jones Day
222 E 41st Street
New York, NY 10017-6702

Andrew G. Madsen, ESQ.
Jones Day
77 W Wacker Drive, Suite 3500
Chicago, IL 60601-1701

JONATHAN M LINAS, ESQ., Attorney
JONES DAY
77 W WACKER DR., Ste. 3500
CHICAGO, IL 60601-1692

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a McDonald's
& McDonald's Corp., as Joint and Single
Employers
8584 Rivers Ave
Suite 103
North Charleston, SC 29406

STEPHEN C. MITCHELL, ESQ.
Fisher & Phillips, LLP
1320 Main St Ste 750
Columbia, SC 29201-3284

Matthew Korn, Esquire
Fisher & Phillips LLP
Post Office Box 11612
Columbia, SC 29211

December 12, 2014

Date

Enter NAME, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858



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December 12, 2014

Emily Ricards
Southern Workers Organizing Committee
314 S. Wilmington St. Suite 207
Raleigh, NC 27601

Re: James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp., as Joint
and Single Employers
Case 10-CA-142719

Dear Ms. Ricards:

The charge that you filed in this case on December 11, 2014 has been docketed as case number 10-CA-142719. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JEFFREY D. WILLIAMS whose telephone number is (404)331-2899. If this Board agent is not available, you may contact Supervisory Field Attorney LISA HENDERSON whose telephone number is (404)331-2889.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

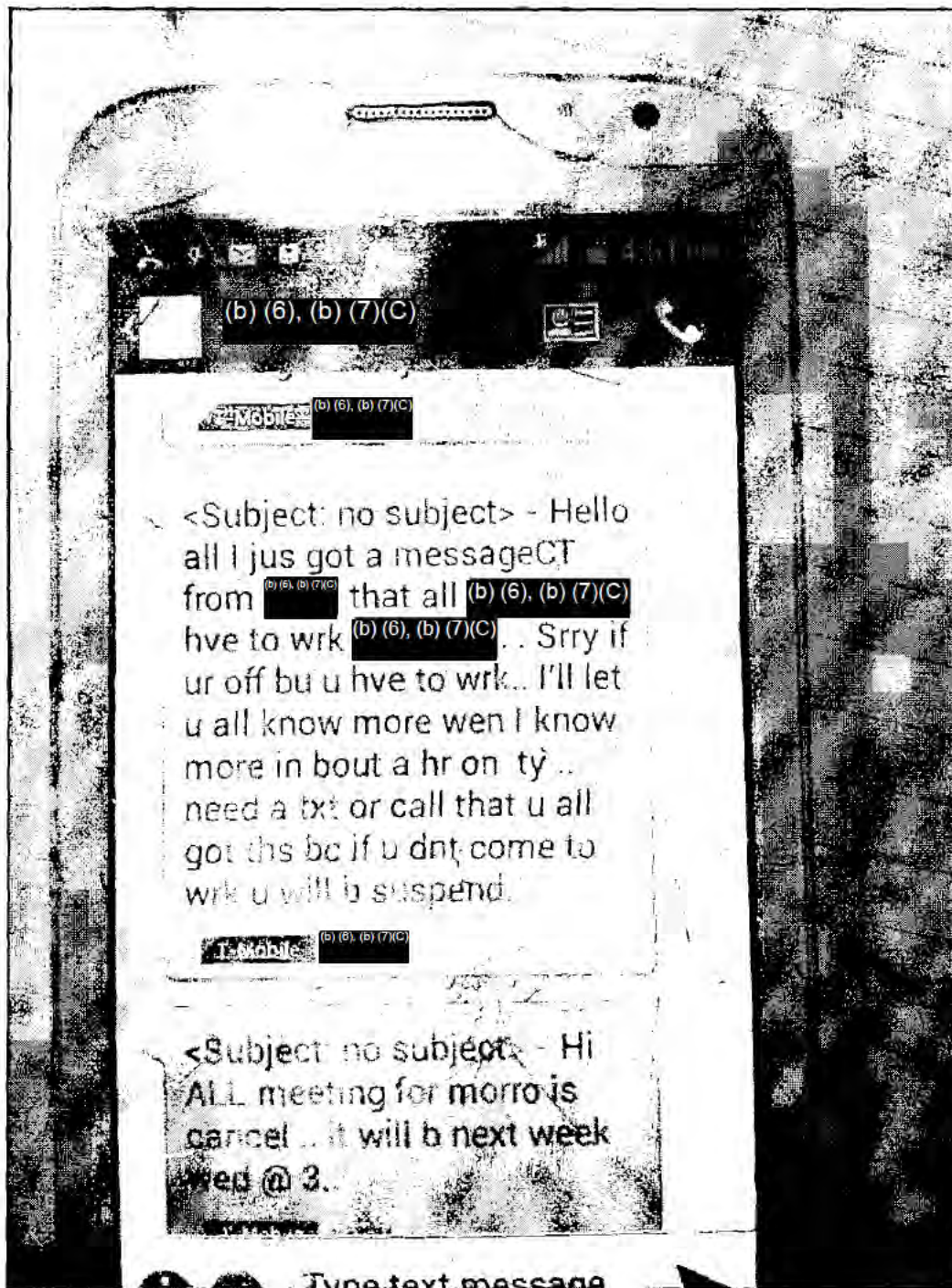
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, slightly slanted style.

CLAUDE T. HARRELL JR.
Regional Director

cc: Paul Smith, Esq.
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27517



From: [Henderson, Lisa Y.](#)
To: [Williams, Jeffrey D.](#)
Subject: James Booth
Date: Tuesday, January 20, 2015 8:37:00 AM

(b) (5)

Lisa Y. Henderson
Supervisory Attorney
Region 10-Atlanta
National Labor Relations Board
(404) 331-2889

From: [Henderson, Lisa Y.](#)
To: [Williams, Jeffrey D.](#)
Subject: FW: (b) charge
Date: Tuesday, January 20, 2015 10:38:34 AM

From: Meyers, Kerstin
Sent: Tuesday, December 16, 2014 2:32 PM
To: Harrell, Claude T.
Cc: Long, Zachary; Henderson, Lisa Y.; Hyman, Gaye N.
Subject: FW: (b) (6), (b) (7)(C) charge

Not sure this needs a response, but wanted you to know about it. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Kerstin Meyers
Field Attorney
Region 10, NLRB
1000 Harris Tower
233 Peachtree Street, NE
Atlanta, GA 30303
(404) 331-4600
fax: (404) 331-2858

From: Paul Smith [<mailto:psmith@pathlaw.com>]
Sent: Tuesday, December 16, 2014 11:17 AM
To: Meyers, Kerstin
Subject: RE: (b) (6), charge

Ms. Meyers,

Thanks for docketing those charges.

I can assure you that these charges were properly faxed to Region 10 and that the faxes were received.

I had my assistant tally up our total charges. This year, my firm has faxed 63 charges to Sub-region 11, six to Region 5, and 24 to Region 10, all through the same electronic service. We receive a confirmation when each fax is received. We often experience problems with the NLRB's fax machines being unable to receive faxes. When this occurs, we are notified that our faxes were not received. These three charges – all faxed to Region 10 during a three-week period – are the only charges that were faxed and received, but not processed.

Because the charges were properly filed by fax, there should be no question that they were timely filed.

Thanks again for your help with this.

Paul

Paul E. Smith

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

Confidentiality Notice If you are not the intended recipient of this message, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. This communication may contain information that is proprietary, attorney/client privileged, attorney work product, confidential or otherwise legally exempt from disclosure. If you have received this message in error, please notify the sender immediately either by phone, (919) 942-5200, or by return email and destroy all copies of this message (electronic, paper, or otherwise). Thank you.

From: Meyers, Kerstin [<mailto:Kerstin.Meyers@nrlb.gov>]
Sent: Thursday, December 11, 2014 3:47 PM
To: Paul Smith
Subject: RE: (b) (6), charge

Mr. Smith,

Despite all out efforts we have been unable to locate any of these three charges. While initially, when I thought all three charges were faxed at once, I thought that perhaps they had been misplaced. However, I can't imagine that we would have done this on two occasions (although it is possible). I am not questioning the confirmation sheet, but am wondering if there could possibly be a glitch in the electronic fax and our fax machine's receipt. I don't know how many charges you have sent this way, and unfortunately, as too much time has passed, we can't pull our fax registry to see if we did receive them. I would ask, however, if you would be so kind as to contact us within a few weeks if you, or your client, haven't heard from us.

We are in the process of docketing all of the charges. While you served the Employer in the older (May) charge, the Employer may argue that it is still time-barred because it was not served upon them AND filed within the statute of limitations. However, we will cross that bridge when we get there.

My apologies for any confusion this has caused, and I wish I could offer a reasonable explanation but we are as mystified as you are.

Kerstin Meyers
Field Attorney
Region 10, NLRB
1000 Harris Tower
233 Peachtree Street, NE
Atlanta, GA 30303

(404) 331-4600
fax: (404) 331-2858

From: Paul Smith [<mailto:psmith@pathlaw.com>]
Sent: Thursday, December 11, 2014 2:48 PM
To: Meyers, Kerstin
Subject: FW: (b) (6), charge

And here's the JEM charge.

Please let me know if we can get you any additional information.

Paul E. Smith
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 2:43 PM
To: Paul Smith
Subject: (b) (6), charge

E-mail circulating NLRB charge as sent on date of filing below; charge as filed and certified mail receipts for employer representatives attached.

From: (b) (6), (b) (7)(C)
Sent: Friday, November 21, 2014 12:23 PM
To: Paul Smith
Cc: Mike Okun; 'lauren.bonds@seiu.org'
Subject: New NLRB Charge

New charge faxed to NLRB and served on employer representatives as attached.

(b) (6), (b) (7)(C)

100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(919) 942-5256 fax

www.pathlaw.com

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858

Agent's Direct Dial: (404)331-2899

January 20, 2015

Doreen S. Davis, Esq.
Jones Day
222 E 41st Street
New York, NY 10017-6702

Andrew G. Madsen, Esq.
Jones Day
77 W Wacker Drive, Suite 3500
Chicago, IL 60601-1701

Jonathan M Linas, Esq., Attorney
Jones Day
77 W Wacker Dr
STE 3500
Chicago, IL 60601-1692

Stephen C. Mitchell, Esq.
Fisher & Phillips LLP
1320 Main St Ste 750
Columbia, SC 29201-3284

Matthew Korn, Esquire
Fisher & Phillips LLP
Post Office Box 11612
Columbia, SC 29211

Re: James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp., as Joint
and Single Employers
Case 10-CA-142719

Dear Ms. Davis, Mr. Madsen, Mr. Linas, Mr. Mitchell, Mr. Korn:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before February 3, 2015, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows. It is alleged that on about (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) that they would be suspended if they did not report to work on (b) (6), (b) (7)(C) 2014, the date of the nationwide strike. In addition, the Charging Party asserts that it both timely filed the charge with this office and timely served a copy of this charge on JKS&K on about November 3, 2014, and on the McDonalds' corporate office on November 4, 2014.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me ASAP to schedule these affidavits.

Documents: Please provide any and all other evidence you deem to be relevant to the case:

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by February 3, 2015. In your response, please address Section 10(b) as well as the merits of the charge. If you are willing to allow me to take affidavits, please contact me ASAP to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (404)331-2899, or e-mail, jeffrey.williams@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JEFFREY D. WILLIAMS
Field Attorney

From: [Williams, Jeffrey D.](#)
To: ["Lauren Bonds"; "psmith@pathlaw.com"](#)
Subject: McDonalds 10-CA-142719
Date: Tuesday, January 20, 2015 11:33:00 AM

It is likely that the Employers will raise 10(b) in this case. Therefore, I would like to give you an opportunity to address the issue as well. I know that you have alleged that you timely faxed the charge to the Region and served it on the Employers. However, I want to give you a chance to submit a position statement addressing the matter, including any cases you may have that are relevant to the 10(b) aspect of this case. Should you decide to submit a response, I request that you do so by January 30, 2015. Thanks.

Jeffrey D. Williams
Field Attorney
NLRB Region 10
233 Peachtree Street NE
Harris Tower, Suite 1000
Atlanta, GA 30303
404-331-2899

Meyers, Kerstin

From: Paul Smith [psmith@pathlaw.com]
Sent: Thursday, December 11, 2014 2:16 PM
To: Meyers, Kerstin
Subject: FW: Fax Delivery Successful to 14043312858
Attachments: 658569867.tif

Kerstin –

The first James Booth charge is attached.



Paul E. Smith
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 1:00 PM
To: Paul Smith
Subject: FW: Fax Delivery Successful to 14043312858

This confirms the deliver of the fax as shown in the attached image.

From: MyFax [<mailto:NoReply@MyFax.com>]
Sent: Thursday, October 30, 2014 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: Fax Delivery Successful to 14043312858

			
<p>Fax for Free. Tell a friend about MyFax today.</p>		<p>Fax Delivery Number: 14043312858 Fax Recipient: To: New NLRB Charge</p>	
<p>Have a question? support@myfax.com</p>		<p>Sent at: 10/30/2014 10:58:35 AM (GMT-4:00) Pages: 3 Duration: 87 Cost: 0.0000 USD</p>	

Burton Crange
Narendia K. Ghosh
Jonathan R. Harkavy*
Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel
Nahomi Harkavy*
**practice limited to*
Alternative Dispute Resolution

Patterson | Harkavy LLP

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Reply to Chapel Hill

100 Europa Drive, Suite 420
Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 10/30/14

TO: Region 10, NLRB

FAX No.: (404) 331-2858

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

**TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
COVER SHEET:** 2

Please see the attached letter.

IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,
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Thank you

· NATIONAL LABOR
RELATIONS BOARD
REGION 10

2014 DEC 11 PM 4:04

ATLANTA, GA

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

James Booth – JKS & K, Inc.
d/b/a McDonald's
(b) (6), (b) (7)(C)
8584 Rivers Ave., Suite 103
North Charleston, SC 29406

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)☐ Yes**2. Article Number**

(Transfer from service label)

7009 0820 0001 3091 1906

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits

1 Article Addressed to:

McDonald's Corp
c/o Gloria Santona
2111 McDonald's Dr.
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

- ☐ Agent
- ☐ Addressee
- Date of Delivery
- ☐ Yes
- ☐ No

3. Service Type:

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2 Article Number

(Transfer from service label)

7009 0820 0001 3091 1890

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: Fax Delivery Successful to 14043312858
Date: Thursday, December 11, 2014 2:24:17 PM
Attachments: [658569867.tif](#)

Kerstin –

The first James Booth charge is attached.

Paul E. Smith



Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 1:00 PM
To: Paul Smith
Subject: FW: Fax Delivery Successful to 14043312858


This confirms the deliver of the fax as shown in the attached image.

From: MyFax [<mailto:NoReply@MyFax.com>]
Sent: Thursday, October 30, 2014 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: Fax Delivery Successful to 14043312858

<p> </p> <p>Fax for Free. <u>Tell a friend about MyFax today.</u></p> <p>Have a question? <u>support@myfax.com</u></p>	
Fax Delivery Number:	14043312858
Fax Recipient:	To:New NLRB Charge
Sent at:	10/30/2014 10:58:35 AM (GMT-4:00)
Pages:	3
Duration:	87
Cost:	0.0000 USD
Tax - GST:	0.0000 USD



Tax - PST:	0.0000 USD
Total Cost:	0.0000 USD
Customer Number:	651448
Reference Number:	658569867
Billing Code:	651448
Remote CSID:	

Thank you for using 

New NLRB Charge

(b) (6), (b) (7)(C)

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Chapel Hill, NC 27517

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Burton Craig
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Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel:
Nahomi Harkavy*
**practice limited to*
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Reply to Chapel Hill

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Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 10/30/14

TO: Region 10, NLRB

FAX No.: (404) 331-2858

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

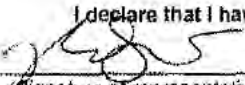
**TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
COVER SHEET: 2**

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Thank you.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100
c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative Store (b) (6), (b) (7)(C) McDonald's: Gloria Santona	e. Telephone No. (843) 744-0626
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C)) threatened employees, including (b) (6), (b) (7)(C) that they would be suspended if they went on strike on (b) (6), (b) (7)(C) 2014.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Southern Workers Organizing Committee		
4a. Address (street and number, city, state, and ZIP code) 314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
 <i>(Signature of representative or person making charge)</i>		Paul Smith, Attorney <i>(Title if any)</i>
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Chapel Hill, NC 27517</u>		919.942.5200 <i>(Telephone No.)</i>
(Date) <u>10/30/2014</u>		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: Fax Delivery Successful to 14043312858
Date: Thursday, December 11, 2014 2:25:58 PM
Attachments: [662982679.tif](#)

Here is the third charge – against JEM restaurant group.

I'll get the certified mail receipts to you in just a bit.

Paul E. Smith
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 1:25 PM
To: Paul Smith
Subject: FW: Fax Delivery Successful to 14043312858


(b) (6),
(b) (7)(C)

From: MyFax [<mailto:NoReply@MyFax.com>]
Sent: Friday, November 21, 2014 10:33 AM
To: (b) (6), (b) (7)(C)
Subject: Fax Delivery Successful to 14043312858

<p> </p> <p>Fax for Free. <u>Tell a friend about MyFax today.</u></p> <p>Have a question? <u>support@myfax.com</u></p>		<table border="1"><tr><td>Fax Delivery Number:</td><td>14043312858</td></tr><tr><td>Fax Recipient:</td><td>To:New NLRB Charge</td></tr><tr><td>Sent at:</td><td>11/21/2014 10:33:17 AM (GMT-5:00)</td></tr><tr><td>Pages:</td><td>3</td></tr><tr><td>Duration:</td><td>88</td></tr><tr><td>Cost:</td><td>0.0000 USD</td></tr><tr><td>Tax - GST:</td><td>0.0000 USD</td></tr><tr><td>Tax - PST:</td><td>0.0000 USD</td></tr></table>		Fax Delivery Number:	14043312858	Fax Recipient:	To:New NLRB Charge	Sent at:	11/21/2014 10:33:17 AM (GMT-5:00)	Pages:	3	Duration:	88	Cost:	0.0000 USD	Tax - GST:	0.0000 USD	Tax - PST:	0.0000 USD
Fax Delivery Number:	14043312858																		
Fax Recipient:	To:New NLRB Charge																		
Sent at:	11/21/2014 10:33:17 AM (GMT-5:00)																		
Pages:	3																		
Duration:	88																		
Cost:	0.0000 USD																		
Tax - GST:	0.0000 USD																		
Tax - PST:	0.0000 USD																		



Total Cost:	0.0000 USD
Customer Number:	651448
Reference Number:	662982679
Billing Code:	651448
Remote CSID:	

Thank you for using 

New NLRB Charge

(b) (6), (b) (7)(C)

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(919) 942-5256 fax

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Burton Craige
Narendra K. Ghosh
Jonathan R. Harkavy*
Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel:
Nahomi Harkavy*
**practice limited to*
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Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 11/21/14

TO: Region 10, NLRB

FAX No.: (404) 331-2858

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

**TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
COVER SHEET: 2**

Please see the attached letter.

IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,
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Thank you.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer JEM Restaurant Group Inc. d/b/a Taco Bell		b. Number of workers employed 100+
c. Address Store 858 Folly Road Charleston, SC 29412 Corporate 2 Wharfside Street Charleston, SC 29401	d. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	e. Telephone No. Store: (843) 762-0884 JEM Corp: (843) 958-8660
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> On a date within the last six months, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by engaging in the following conduct: -On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C)) interrogated (b) (6), (b) (7)(C) about which employees (b) (6) planned on taking to the upcoming union convention in Charlotte, North Carolina on (b) (6), (b) (7)(C) 2014; -On or about (b) (6), (b) (7)(C) , 2014, employer disparately applied its random drug testing policy against (b) (6), (b) (7)(C) in retaliation for (b) (6) union activity; -On or about (b) (6), (b) (7)(C) , 2014, employer (through (b) (6), (b) (7)(C)), terminated (b) (6), (b) (7)(C) in retaliation for engaging in union activity.		
3. Full name of party filing charge <i>(if labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee		
4a. Address <i>(street and number, city, state, and ZIP code)</i> 314 S. Wilmington St., Suite 207 Raleigh, NC 27601	4b. Telephone No. Emily Ricards (989) 513-8488	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
 <i>(Signature of representative or person making charge)</i>		Paul Smith, Attorney <i>(Title if any)</i>
Address Patterson Harkavy LLP 100 Europa Drive, Suite 420 Chapel Hill, NC 27517 (Date) 11/21/2014		(919) 942-5200 <i>(Telephone No.)</i>
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: McDonald's language charge
Date: Thursday, December 11, 2014 2:55:00 PM
Attachments: [NLRB Charge.PDF](#)
[Certified mail receipt - \(b\) .PDF](#)

Kerstin –

I've attached the certified mail receipt for one of the James Booth charges

Paul E. Smith
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 2:37 PM
To: Paul Smith
Subject: McDonald's language charge

E-mail circulating NLRB charge as sent on date of filing below; charge as filed and certified mail receipt for (b) (6), (b) (7)(C) attached.

From: (b) (6), (b) (7)(C)
Sent: Thursday, October 30, 2014 4:57 PM
To: Paul Smith
Cc: Mike Okun; 'lauren.bonds@seiu.org'
Subject: New NLRB Charge

New charge faxed to NLRB and served on employer representatives as attached.

(b) (6), (b) (7)(C)
[REDACTED]
Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(919) 942-5256 fax
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Booth – JKS & K, Inc.
d/b/a McDonald's
(b) (6), (b) (7)(C)
8584 Rivers Ave., Suite 103
North Charleston, SC 29406

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1920

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

- ☐ Agent
☐ Addressee

Date of Delivery

1/18

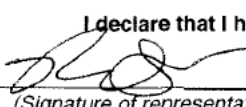
3. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100
c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> McDonald's: Gloria Santona	e. Telephone No. (843) 744-0626
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> The charged parties, acting jointly and together have interfered with protected concerted activities by informing employees that information as to scheduling and hours "is confidential property of McDonald's Corporation" and that "any use, copying or reproduction of this material, without the prior written permission of an Office of McDonald's is prohibited and may lead to civil and criminal prosecution," notwithstanding that hours and scheduling are terms and conditions of employment that are of interest to the employees and about which employees should be free to communicate.		
3. Full name of party filing charge <i>(if labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee		
4a. Address <i>(street and number, city, state, and ZIP code)</i> 324 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. Emily Ricards (989) 513-8488
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
<div style="text-align: center;">  _____ <i>(Signature of representative or person making charge)</i> </div>		<div style="text-align: center;"> Paul Smith, Attorney _____ <i>(Title if any)</i> </div>
Address <u>Patterson Harkavy LLP 100 Europa Drive, Suite 250 Chapel Hill, NC 27517</u>		(919) 942-5200 <i>(Telephone No.)</i>
(Date) <u>10/30/2014</u>		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: (b) (6), (b) (7)(C) charge
Date: Thursday, December 11, 2014 2:55:24 PM
Attachments: [NLRB Charge.PDF](#)
[Certified mail receipt - Santona.PDF](#)
[Certified mail receipt - \(b\) \(6\), \(b\) \(7\)\(C\).PDF](#)

Here's the second James Booth charge

Paul E. Smith

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 2:38 PM
To: Paul Smith
Subject: (b) (6), (b) (7)(C) charge

E-mail circulating NLRB charge as sent on date of filing below; charge as filed and certified mail receipts for employer representatives attached.

From: (b) (6), (b) (7)(C)
Sent: Thursday, October 30, 2014 10:56 AM
To: Paul Smith
Cc: Mike Okun; 'lauren.bonds@seiu.org'
Subject: New NLRB Charge

New charge faxed to NLRB and served on employer representatives as attached.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(919) 942-5256 fax
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McDonald's Corp.
c/o Gloria Santona
2111 McDonald's Dr.
Oak Brook, IL 60523

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

☐ Agent☐ Addressee

C. Date of Delivery

11-04-14

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1890

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Booth – JKS & K, Inc.
d/b/a McDonald's
c/o (b) (6), (b) (7)(C)
8584 Rivers Ave., Suite 103
North Charleston, SC 29406

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1906

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

☐ Agent
☐ Addressee
Date of Delivery

1/5

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____	
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100	
c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> McDonald's: Gloria Santana	e. Telephone No. (843) 744-0626	
F. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C) threatened employees, including (b) (6), (b) (7)(C) that they would be suspended if they went on strike on (b) (6), (b) (7)(C) 2014.			
3. Full name of party filing charge <i>(if labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee			
4a. Address <i>(street and number, city, state, and ZIP code)</i> 314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
<div style="text-align: center;">  _____ <i>(Signature of representative or person making charge)</i> </div>		<div style="text-align: center;"> Paul Smith, Attorney _____ <i>(Title if any)</i> </div>	
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Chapel Hill, NC 27517</u>		<u>919.942.5200</u> <i>(Telephone No.)</i>	
(Date) <u>10/30/2014</u>			
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)			

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: (b) charge
Date: Thursday, December 11, 2014 2:55:54 PM
Attachments: [NLRB Charge.PDF](#)
[Certified mail receipt - \(b\) .PDF](#)
[Certified mail receipt - \(b\) .PDF](#)

And here's the JEM charge.

Please let me know if we can get you any additional information.

Paul E. Smith

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 2:43 PM
To: Paul Smith
Subject: (b) (6), charge

E-mail circulating NLRB charge as sent on date of filing below; charge as filed and certified mail receipts for employer representatives attached.

From: (b) (6), (b) (7)(C)
Sent: Friday, November 21, 2014 12:23 PM
To: Paul Smith
Cc: Mike Okun; 'lauren.bonds@seiu.org'
Subject: New NLRB Charge

New charge faxed to NLRB and served on employer representatives as attached.

(b) (6), (b) (7)(C)

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(919) 942-5256 fax
www.pathlaw.com

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SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEM Restaurant Group Inc.
d/b/a Taco Bell
c/o (b) (6), (b) (7)(C)
2 Wharfside Street
Charleston, SC 29401

COMPLETE THIS SECTION ON DELIVERY**(b) (6), (b) (7)(C)**

Agent

Address

of De

Yes

No

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merch☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

7009 0820 0001 3091 1975

(Transfer from service label)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEM Restaurant Group Inc.
d/b/a Taco Bell
c/o (b) (6), (b) (7)(C)
858 Folly Road
Charleston, SC 29412

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

☐ Ag☐ Ad

Date of I

☐ Yes☐ No

If YES, enter delivery address below:

3. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1968

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer JEM Restaurant Group Inc. d/b/a Taco Bell		b. Number of workers employed 100+
c. Address Store 858 Folly Road Charleston, SC 29412 Corporate 2 Wharfside Street Charleston, SC 29401	d. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	e. Telephone No. Store: (843) 762-0884 JEM Corp: (843) 958-8660
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> On a date within the last six months, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by engaging in the following conduct: -On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C) interrogated (b) (6), (b) (7)(C) about which employees (b) (6) planned on taking to the upcoming union convention in Charlotte, North Carolina on (b) (6), (b) (7)(C) 2014; -On or about (b) (6), (b) (7)(C) 2014, employer disparately applied its random drug testing policy against (b) (6), (b) (7)(C) in retaliation for (b) (6) union activity; -On or about (b) (6), (b) (7)(C), 2014, employer (through (b) (6), (b) (7)(C) terminated (b) (6), (b) (7)(C) in retaliation for engaging in union activity.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Southern Workers Organizing Committee		
4a. Address <i>(street and number, city, state, and ZIP code)</i> 314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. Emily Ricards (989) 513-8488
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
 <i>(Signature of representative or person making charge)</i>		Paul Smith, Attorney <i>(Title if any)</i>
Address Patterson Harkavy LLP 100 Europa Drive, Suite 420 Chapel Hill, NC 27517		(919) 942-5200 <i>(Telephone No.)</i>
(Date) 11/21/2014		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

From: [Meyers, Kerstin](#)
To: [Williams, Jeffrey D.](#)
Subject: these are all six emails
Date: Tuesday, January 20, 2015 2:21:08 PM
Attachments: [FW: \(b\) \(6\), \(b\) \(7\)\(C\) charge.msg](#)
[FW: \(b\) \(6\), \(b\) \(7\)\(C\) charge.msg](#)
[FW: McDonald's language charge.msg](#)
[FW Fax Delivery Successful to 14043312858.msg](#)
[FW Fax Delivery Successful to 14043312858.msg](#)
[FW Fax Delivery Successful to 14043312858.msg](#)

From: [Paul Smith](#)
To: [Meyers, Kerstin](#)
Subject: FW: Fax Delivery Successful to 14043312858
Date: Thursday, December 11, 2014 2:24:51 PM
Attachments: [658620645.tif](#)

Here is the second James Booth charge.

Paul E. Smith

Patterson Harkavy LLP
100 Europa Dr., Ste. 420
Chapel Hill, NC 27517
(919) 942-5200
(866) 397-8671 fax
www.pathlaw.com

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From: (b) (6), (b) (7)(C)
Sent: Thursday, December 11, 2014 1:04 PM
To: Paul Smith
Subject: FW: Fax Delivery Successful to 14043312858

McDonald's language charge.

From: MyFax [<mailto:NoReply@MyFax.com>]
Sent: Thursday, October 30, 2014 3:52 PM
To: (b) (6), (b) (7)(C)
Subject: Fax Delivery Successful to 14043312858

  Fax for Free. <u>Tell a friend about MyFax today.</u> Have a question? <u>support@myfax.com</u>	<table><tr><td>Fax Delivery Number:</td><td>14043312858</td></tr><tr><td>Fax Recipient:</td><td>To:New NLRB Charge</td></tr><tr><td>Sent at:</td><td>10/30/2014 03:51:32 PM (GMT-4:00)</td></tr><tr><td>Pages:</td><td>3</td></tr><tr><td>Duration:</td><td>89</td></tr><tr><td>Cost:</td><td>0.0000 USD</td></tr><tr><td>Tax - GST:</td><td>0.0000 USD</td></tr><tr><td>Tax - PST:</td><td>0.0000 USD</td></tr><tr><td>Total Cost:</td><td>0.0000 USD</td></tr></table>		Fax Delivery Number:	14043312858	Fax Recipient:	To:New NLRB Charge	Sent at:	10/30/2014 03:51:32 PM (GMT-4:00)	Pages:	3	Duration:	89	Cost:	0.0000 USD	Tax - GST:	0.0000 USD	Tax - PST:	0.0000 USD	Total Cost:	0.0000 USD
	Fax Delivery Number:	14043312858																		
Fax Recipient:	To:New NLRB Charge																			
Sent at:	10/30/2014 03:51:32 PM (GMT-4:00)																			
Pages:	3																			
Duration:	89																			
Cost:	0.0000 USD																			
Tax - GST:	0.0000 USD																			
Tax - PST:	0.0000 USD																			
Total Cost:	0.0000 USD																			



Customer Number:	651448
Reference Number:	658620645
Billing Code:	651448
Remote CSID:	

Thank you for using



New NLRB Charge

(b) (6), (b) (7)(C)

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100 Europa Dr., Ste. 420

Chapel Hill, NC 27517

(919) 942-5200

(919) 942-5256 fax

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Burton Craig
Narendra K. Ghosh
Jonathan R. Harkavy*
Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel:
Nahomi Harkavy*
**practice limited to*
Alternative Dispute Resolution

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FAX TRANSMITTAL

Reply to Chapel Hill

100 Europa Drive, Suite 420
Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 10/30/14

TO: Region 10, NLRB

FAX No.: (404) 331-2858

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

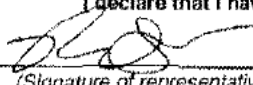
**TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
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Thank you.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case _____ Date Filed _____
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100
c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> McDonald's: Gloria Santona	e. Telephone No. (843) 744-0626
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> The charged parties, acting jointly and together have interfered with protected concerted activities by informing employees that information as to scheduling and hours "is confidential property of McDonald's Corporation" and that "any use, copying or reproduction of this material, without the prior written permission of an Office of McDonald's is prohibited and may lead to civil and criminal prosecution," notwithstanding that hours and scheduling are terms and conditions of employment that are of interest to the employees and about which employees should be free to communicate.		
3. Full name of party filing charge <i>(if labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee		
4a. Address <i>(street and number, city, state, and ZIP code)</i> 324 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. Emily Ricards (989) 513-8488
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
<div style="text-align: center;">  _____ <i>(Signature of representative or person making charge)</i> </div>		<div style="text-align: center;"> Paul Smith, Attorney _____ <i>(Title if any)</i> </div>
Address <u>Patterson Harkavy LLP 100 Europa Drive, Suite 250 Chapel Hill, NC 27517</u>		(919) 942-5200 <i>(Telephone No.)</i>
(Date) <u>10/30/2014</u>		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

Burton Craig
Narendra K. Ghosh
Jonathan R. Harkavy
Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel:
Nahomi Harkavy

Patterson | Harkavy

LLP

ATTORNEYS AT LAW

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January 30, 2015

MICHAEL G. OKUN
mokun@pathlaw.com

PAUL E. SMITH
psmith@pathlaw.com

Via UPS

Claude T. Harrell Jr.
Regional Director
National Labor Relations Board, Region 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Dear Director Harrell:

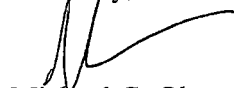
We are writing as counsel for the Southern Workers Organizing Committee (SWOC) concerning Case No. 10-CA-142135. Our firm filed this charge with Region 10 on behalf of SWOC via fax on October 30, 2014. We received a fax confirmation that your office received the charge that same day. The charged parties were served the same day, by first-class mail. Although both the Region and the charged parties received the charge well within the six-month statutory period, the charge was not docketed by the Region until after the Section 10(b) period expired.

Under Section 102.114(f) of the NLRB's Rules and Regulations, unfair labor practices charges may be filed by facsimile. The charge was properly submitted by fax; thus, there should be no question that it was timely filed within six months of the alleged discriminatory act. Apparently the Region maintains it has no record of receiving the fax on October 30. We, of course, do not know why. We have filed many charges with the Region by fax in the recent past. When for some reason an attempted fax is not received, we are notified of that fact. There have only been three instances in which a charge was faxed and received, but not docketed – this charge, and two additional charges sent to the same fax number around the same time period.

In any event, the charge was timely filed. If the charged parties raise a 10(b) defense based on the delayed docketing, we respectfully request that it be denied, as the charged parties ought not prevail due to administrative error.

We have attached the fax confirmation and certified mail receipts for your convenience. Please do not hesitate to contact us if we can assist you in any way.

Sincerely,



Michael G. Okun and Paul E. Smith


cc: Anne Purcell, Deputy Associate General Counsel
National Labor Relations Board, Division of Operations and Management
1099 14th Street NW, Suite 10206
Washington DC, 20570

Jeffrey Williams
Field Attorney
National Labor Relations Board, Region 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Attachments:
Fax Confirmation
Certified Mail Receipt
Certified Mail Receipt

(b) (6), (b) (7)(C)

From: MyFax <NoReply@MyFax.com>
Sent: Thursday, October 30, 2014 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: Fax Delivery Successful to 14043312858
Attachments: 658569867.tif




Successful fax sent from MyFax.

Fax for Free.
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Have a question?
support@myfax.com

Fax Delivery Number:	14043312858
Fax Recipient:	To:New NLRB Charge
Sent at:	10/30/2014 10:58:35 AM (GMT-4:00)
Pages:	3
Duration:	87
Cost:	0.0000 USD
Tax - GST:	0.0000 USD
Tax - PST:	0.0000 USD
Total Cost:	0.0000 USD
Customer Number:	651448
Reference Number:	658569867
Billing Code:	651448
Remote CSID:	

Thank you for using 

New NLRB Charge

(b) (6), (b) (7)(C)

Patterson Harkavy LLP

100 Europa Dr., Ste. 420

Chapel Hill, NC 27517

(919) 942-5200

(919) 942-5256 fax

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Burton Craig
Narendra K. Ghosh
Jonathan R. Harkavy*
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Paul E. Smith

Of Counsel:
Nahomi Harkavy*
**practice limited to*
Alternative Dispute Resolution

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Reply to Chapel Hill

100 Europa Drive, Suite 420
Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 10/30/14

TO: Region 10, NLRB

FAX No.: (404) 331-2858

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

**TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
COVER SHEET: 2**

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Thank you

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case# _____ Date Filed _____
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c. Address James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406 McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative Store (b) (6), (b) (7)(C) McDonald's: Gloria Santana	e. Telephone No. (843) 744-0626
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. BASIS OF THE CHARGE (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
On or about (b) (6), (b) (7)(C) 2014, employer (through (b) (6), (b) (7)(C) threatened employees, including (b) (6), (b) (7)(C) that they would be suspended if they went on strike on (b) (6), (b) (7)(C) 2014.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
Southern Workers Organizing Committee		
4a. Address (street and number, city, state, and ZIP code)		4b. Telephone No.
314 S. Wilmington St., Suite 207 Raleigh, NC 27601		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
 (Signature of representative or person making charge)		Paul Smith, Attorney (Title if any)
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Chapel Hill, NC 27517</u>		<u>919.942.5200</u> (Telephone No.)
(Date) <u>10/30/2014</u>		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)		

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Booth – JKS & K, Inc.
d/b/a McDonald's
c/o (b) (6), (b) (7)(C)
8584 Rivers Ave., Suite 103
North Charleston, SC 29406

COMPLETE THIS SECTION ON DELIVERY**(b) (6), (b) (7)(C)**

- ☐ Agent
☐ Addressee
Date of Delivery
1/15
☐ Yes
☐ No

If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1906

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McDonald's Corp.
c/o Gloria Santona
2111 McDonald's Dr.
Oak Brook, IL 60523

COMPLETE THIS SECTION ON DELIVERY

(b) (6), (b) (7)(C)

- ☐ Agent
☐ Addressee

Date of Delivery

1-8-04

- ☐ Yes
☐ No

If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2. Article Number

(Transfer from service label)

7009 0820 0001 3091 1890

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Hedden/ Williams:

(b) (5)



cop

From: [Henderson, Lisa Y.](#)
To: [Harrell, Claude T.](#)
Subject: RE: SWOC, 10-CA-142135
Date: Thursday, February 5, 2015 2:30:00 PM


I'd left letter on Jeff's desk. I'll have it uploaded.

From: Harrell, Claude T.
Sent: Thursday, February 05, 2015 11:44 AM
To: Henderson, Lisa Y.; Williams, Jeffrey D.
Subject: FW: SWOC, 10-CA-142135

Lisa, (b) (5) ? Thanks, Chip

From: Hatfield, Yvette
Sent: Thursday, February 05, 2015 11:37 AM
To: Harrell, Claude T.
Subject: RE: SWOC, 10-CA-142135

Chip, (b) (5)



For my records, please let me know how you handle the response to this letter.

Thank you,


Yvette C. Hatfield
Assistant General Counsel
Division of Operations-Management
National Labor Relations Board
202-273-3789

From: Harrell, Claude T.
Sent: Thursday, February 05, 2015 9:54 AM
To: Hatfield, Yvette
Subject: RE: SWOC, 10-CA-142135

Good morning,

We've internally addressed this issue already.

The charging party does have a confirmation of a good transmission of the charges for on or about 10/30. (b) (5)



(b) (5)

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

I am free to talk any time if you need anything more.

Chip

From: Hatfield, Yvette
Sent: Thursday, February 05, 2015 8:25 AM
To: Harrell, Claude T.
Subject: SWOC, 10-CA-142135

Chip, I'm in receipt of the 1/30/15 letter from Michael Okun at Patterson/Harkavy addressing a concern of a charge allegedly being filed timely but docketed late in the above charge.

While the attorneys have cc'ed Anne, I don't intend to do anything until we chat.

Thank you,

Yvette C. Hatfield
Assistant General Counsel
Division of Operations-Management
National Labor Relations Board
202-273-3789

Case Name: James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers
Case No.: 10-CA-142719
Agent: Jeffrey D. Williams, Field Attorney

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
1/16/15	JKS&K atty Matt Korn	phone	Says that he was not aware of the charge until (b) (5) [REDACTED]
1/16/15	McDonalds corporate atty Andrew Madsen	phone	Says that he was not aware of the charge until (b) (5) [REDACTED]
6/29/15			(b) (5) [REDACTED]
6/29/15	JKS&K atty Matt Korn	phone	Told that he as out of the office until (b) (5) /15. Left message on his cell.
6/29/15	JKS&K atty Stephen Mitchell	Phone	Told he was in a meeting. Left message for him to call me ASAP regarding 10(b) issue in this case.
6/29/15	McDonalds corporate atty Andrew Madsen	phone	Told he is out of office this week.
6/29/15	McDonalds corporate atty Jonathan Linas	phone	Told by his (b) (5), (b) (6), (b) (7)(C) that he is on (b) (6), (b) (7) (b) (5) but (b) (5) can send him a message. Left message for him to call me ASAP regarding 10(b) issue in this case.
6/29/15	McDonalds corporate atty Doreen Davis	phone	Got VM that she is in the office today. Left message for her to call me ASAP regarding 10(b) issue in this case.
6/29/15	JKS&K atty Stephen	Phone	(b) (5) [REDACTED]

Date	Person Contacted	Method of Contact	Description of Contact or Activity
	Mitchell		Says he will contact the client and get back to me.
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Received message left after hours by him yesterday. He said that he had been contacted by his colleagues that I contacted and asked to handle my question concerning the Section 10(b) issue. (312) 953-2893 cell and (312) 269-4226 direct office line. Says he will be in the office on 6/30/15.
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Left message for him on his cell and office phones.
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Spoke to his (b) (6), (b) (7)(C) [REDACTED]. Said just returned from (b) (6), (b) (7) [REDACTED] and is not sure if Ferrell was coming in today or not. Said (b) (6), (b) (7)(C) [REDACTED] would get him a message. Got his email address. mferrell@jonesday.com
6/30/15	JKS&K atty Stephen Mitchell	Phone	Called Mitchell. Says he has a call into the client. (b) (5) [REDACTED]. He said he will try to get me an answer today.
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Received message from Ferrell that he got my VM, that he is on his way to the office, and that he has conference calls in another matter from 11:00 am to about 12:30 pm (CDT). He said that he should be accessible on his cell for another 40 minutes.
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Left message for him on his cell.

Date	Person Contacted	Method of Contact	Description of Contact or Activity
6/30/15	McDonalds corporate atty Mike Ferrell	phone	Told him (b) (5) [REDACTED] He said that he will try to me today, if possible. (b) (5) [REDACTED]
6/30/15	McDonalds corporate atty Mike Ferrell	phone	(b) (5) [REDACTED] He said he will contact his client again about November 4, 2014 date.
6/30/15	McDonalds corporate atty Mike Ferrell	email	Says that they (b) (5) [REDACTED]
7/1/15	JKS&K atty Stephen Mitchell	Phone	Said that Matt Korn has been handling this case and he should be sending me something tomorrow. (b) (5) [REDACTED]

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			(b) (5)
7/2/15	JKS&K atty Matt Korn	phone	Korn said that (b) (5)
7/6/15	U atty Lauren Bonds	phone	While discussing Regions decision in another case, (b) (5)
7/16/15	U atty Lauren Bonds	phone	(b) (5)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858

July 20, 2015

Doreen S. Davis, Attorney
JONES DAY
222 E 41st Street
New York, NY 10017-6702

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Jonathan M. Linas, Attorney
JONES DAY
77 W Wacker Drive, Suite 3500
Chicago, IL 60601-1701

Stephen C. Mitchell, Attorney
Matthew Korn, Attorney
Fisher & Phillips, LLP
1320 Main St, Ste 700
P.O. Box 11612
Columbia, SC 29201-3284

Re: James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp.,
(as Joint and Single Employers)
Case 10-CA-142719

Dear Davis, Madsen, Mr. Linas, Mr. Mitchell, Mr. Korn:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

CLAUDE T. HARRELL JR.
Regional Director

James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp.,
(as Joint and Single Employers)
Case 10-CA-142719

- 2 -

July 20, 2015

cc: Gloria Santona, General Counsel
McDonald's Corp
2111 McDonald's Drive
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a
McDonald's & McDonald's Corp.,
(as Joint and Single Employers)
8584 Rivers Ave, Suite 103
North Charleston, SC 29406

Emily Ricards, Representative
Southern Workers Organizing Committee
314 S. Wilmington St. Suite 207
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Paul Smith, Attorney
Southern Workers Organizing Committee
100 Europa Drive, Suite 250
Chapel Hill, NC 27517